



**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SAMUEL HOWARD,
Plaintiff,

vs.

D.COOL, *et al.*,
Defendants.

3:11-cv-00291-LRH-RAM

ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff's application to proceed *in forma pauperis* is granted (ECF No. 1). Based on the information regarding plaintiff's financial status in the application to proceed *in forma pauperis*, plaintiff is required to pay an initial installment of the filing fee pursuant to 28 U.S.C. §1915.

The grant of *in forma pauperis* status adjusts the amount of the filing fee that plaintiff must prepay -- plaintiff will be required to prepay an initial installment of \$113.57, instead of having to prepay the full \$350 filing fee for this action. The entire \$350 filing fee will, however, remain due from plaintiff, and the institution where plaintiff is incarcerated will collect money toward the payment of the full filing fee when petitioner's institutional account has a sufficient balance, pursuant to 28 U.S.C. §1915. The entire \$350 filing fee will remain due and payable, and will be collected from plaintiff's institutional account regardless of the outcome of this action.

1 **IT IS THEREFORE ORDERED** that plaintiff's application to proceed *in forma pauperis* (ECF
2 No. 1) is **GRANTED**. Plaintiff Samuel Howard, **Inmate No. 18329**, will be permitted to maintain this
3 action to conclusion without prepayment of the full filing fee. However, plaintiff must pay an initial
4 installment of the filing fee in the amount of **\$113.57**. Plaintiff will not be required to pay fees or costs,
5 other than the filing fee, or give security therefor. This order granting *in forma pauperis* status shall not
6 extend to the issuance and service of subpoenas at government expense.

7 **IT IS FURTHER ORDERED** that, even if this action is dismissed, or is otherwise
8 unsuccessful, the full filing fee shall still be due, pursuant to 28 U.S.C. §1915, as amended by the
9 Prisoner Litigation Reform Act of 1996.

10 **IT IS FURTHER ORDERED** that plaintiff shall have **thirty (30) days** from the date of entry
11 of this order to have the initial installment of the filing fee, in the amount stated above, sent to the Clerk
12 in the manner described below. Failure to do so may result in the immediate dismissal of this action.

13 **IT IS FURTHER ORDERED** that the Clerk shall **SEND** plaintiff two copies of this order.
14 Plaintiff must make the necessary arrangements to have one copy of this order, attached to a check in
15 the amount of the initial installment of the filing fee, sent to the Court, by sending a copy of the order
16 with a "brass slip" to Inmate Services for issuance of the check.

17 **IT IS FURTHER ORDERED** that, pursuant to 28 U.S.C. §1915, as amended by the Prisoner
18 Litigation Reform Act of 1996, the Nevada Department of Corrections shall pay the Clerk of the United
19 States District Court, District of Nevada, 20% of the preceding month's deposits to plaintiff's account
20 (in months that the account exceeds \$10.00), until the full \$350 filing fee has been paid for this action.
21 **The Clerk shall send a copy of this order to Albert G. Peralta, Chief of Inmate Services, Nevada**
22 **Department of Prisons, P.O. Box 7011, Carson City, NV 89702.**

23 DATED: May 9, 2011.

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26 UNITED STATES MAGISTRATE JUDGE